



HONORABLE CHRIS VAN HOLLEN
CHAIRMAN

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 MAY 22 P 12: 26

2008 MAY 21 A 10: 51

SENSITIVE

May 7, 2008

MUR # 6014

Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Complaint against Freedom's Watch, Inc.

Dear Ms. Duncan,

This is a complaint under 2 U.S.C. § 437g(a)(1) against Freedom's Watch, Inc. Freedom's Watch has aired multiple electioneering communications without filing reports with the Commission as required by 2 U.S.C. § 434(f).

THE FACTS

On April 15, 2008, Freedom's Watch, Inc. began to air a television advertisement that clearly identified, and advocated the defeat of, congressional candidate Don Cazayoux on selected stations in the state of Louisiana. On April 16, 2008, Freedom's Watch, Inc. filed FEC Form 9, "24 Hour Notice of Disbursements/Obligations for Electioneering Communications." The cover letter for the report notes that the report was "for the Freedom's Watch television advertisement entitled 'Family Taxes.'"

On April 22nd, 2008, Freedom's Watch began to air another television advertisement in connection that clearly identified, and advocates the defeat of, Mr. Cazayoux, entitled "Health Care." The advertisement was aired in the congressional district in which Mr. Cazayoux was running for office, and it was aired within 60 days of the May 3rd runoff election. According to the Commission's records, Freedom's Watch has to this day never filed an FEC Form 9 in connection with this communication.

On April 29th, Freedom's Watch began to air a third television advertisement in connection that clearly identified, and advocated the defeat of, Mr. Cazayoux, entitled "In G-d We Trust." The advertisement was aired in the congressional district in which Mr. Cazayoux was running for office, and it was aired within 60 days of the May 3rd runoff election. According to the

Commission's records, Freedom's Watch has to this day never filed an FEC Form 9 in connection with this communication.

On May 2nd, Freedom's Watch began to air a television advertisement that clearly identified, and advocates the defeat of, congressional candidate Travis Childers, entitled "Obama." The advertisement was aired in the congressional district in which Mr. Childers was running for office, and it was aired within 60 days of the May 13th runoff election. According to the Commission's records, Freedom's Watch has to this day never filed an FEC Form 9 in connection with this communication.

The advertisements "Health Care," "In G-d We Trust," and "Obama" are attached.

ARGUMENT

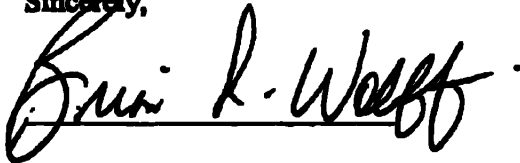
An electioneering communication includes a broadcast, cable, or satellite communication that refers to a clearly identified candidate for Congress; that is made within 60 days of a runoff election sought by that candidate; and that can be received by 50,000 or more persons in the congressional district in which the candidate is running. 2 U.S.C. § 434(f)(3). The Freedom's Watch advertisements "Health Care," "In G-d We Trust," and "Obama" are unquestionably electioneering communications: all three identify Mr. Cazayoux or Mr. Childers, were aired in their respective congressional districts and were first aired within 60 days of their runoff elections.

Electioneering communications must be disclosed to the general public. Every person who makes a disbursement for an electioneering communication in excess of \$10,000 must file a report with the Commission by the day following the first day the communication is publicly distributed. See 2 U.S.C. § 434(f)(1); 11 C.F.R. § 140.20. Each of the Freedom's Watch advertisements "Health Care," "In G-d We Trust," and "Obama" required disbursements in excess of \$10,000. Indeed, according to television and radio political files, Freedom's Watch spent over \$600,000 on the airtime alone for the two Louisiana advertisements during the time period from April 22 – May 3rd.

Freedom's Watch has not file a Form 9 electioneering communications report for any of the latest three advertisements, despite spending hundreds of thousands of dollars to influence the special congressional elections in Louisiana and Mississippi.

The Commission should act immediately to prevent Freedom's Watch, Inc. from continuing to flout the electioneering communications reporting requirements, and to fine Freedom's Watch the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 7 day of May, 2008.



Notary Public

My Commission Expires:

Wilma Sene
Notary Public, District of Columbia
My Commission Expires 7/31/2012